

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
Sierra Waste Recycling and Transfer Station
SWIS No. 34-AA-0214
May 30, 2013

Background Information, Analysis, and Findings:

This report was developed in response to the Sacramento County Environmental Management Department's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Sierra Waste Recycling and Transfer Station, SWIS No. 34-AA-0214, located in Sacramento County. The facility is owned by Bal Sooin and operated by Sunil Dutt. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received on April 11, 2013. A new proposed permit was received on April 23, 2013. Action must be taken on this permit no later than June 22, 2013. If no action is taken by June 22, 2013, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2012)	Proposed Permit
Permitted Traffic Volume	150 vehicles per day, not including employee vehicles	450 PCE's per day, not including employee vehicles (transfer trailers= 3PCE, self-haul passenger vehicles= 1PCE)

Key Issues

The proposed permit will allow for the following:

A change in permitted traffic volume from 150 vehicles per day to 450 PCE's (passenger car equivalents) per day.

Background:

Sierra Waste Recycling and Transfer Station is located at 8260 Berry Ave. in Sacramento, and currently operates under a full Solid Waste Facilities Permit issued in 2012. The facility is permitted for the transfer/processing of 1,000 tons per day of wood waste and green material and construction and demolition waste.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are

summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 8, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The current Solid Waste Facilities Permit was issued on May 24, 2012. The next Five Year Permit Review due date is May 24, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 23, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received by CalRecycle on April 11, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated May 2, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 21, 2013. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 11, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The proposed modified permit was noticed consistent with Title 27 CCR 21660.3.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on May 21, 2013 and found the facility is in compliance with applicable state minimum standards and permit conditions. A fire occurred at approximately 11 pm at the facility on May 15, 2013. The operator followed the emergency response plan outlined in the Transfer/Processing Report and worked with the Fire Department to limit the damages at the facility. The LEA arrived at the site at 9 am the following morning and the facility had already been cleared to resume operations by the Fire Department. By the time of the pre-permit inspection on May 21, 2013, the burned debris from the fire had been removed from the site and the overflow from the water used to put out the fire had been pumped from the drainage canal and directed to the sanitary sewer.

Based on the LEA's monthly inspection reports, there have been no violations noted since the issuance of the full Solid Waste Facilities Permit on May 24, 2012.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Sacramento County Department of Environmental Review and Assessment (DERA), acting on behalf of the Sacramento County Environmental Management Department (LEA) as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The proposed permit under consideration allows a change in the permitted traffic volume from 150 Vehicles per day, not including employee vehicles; to 450 PCE's per day, not including employee vehicles (transfer trailers = 3 PCE, self-haul passenger vehicles = 1 PCE).

A Negative Declaration (ND)(SCH# 2012012060) was adopted by the Sacramento County LEA on March 19, 2012. DERA reviewed the requested traffic modification and determined that it is consistent with the traffic study used in preparation of the Negative Declaration (ND). The traffic study for the facility assumed that all vehicles entering the facility would be commercial transfer trucks, where each transfer truck is equal to 3 PCE's, which would equate to a total of 450 PCE's entering the facility per day. Therefore, the LEA made a finding that the proposed change is consistent with and supported by the existing CEQA document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the ND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA received two inquiries from members of the public asking general questions about the project. The LEA described the proposed changes and findings.

On May 20, 2013, Department staff received a letter from Eric Edelmayer representing Jackson Properties, owners of an industrial business park located near the Sierra Waste Recycling and Transfer Station. In the letter which was also addressed to the LEA, Mr. Edelmayer expressed concerns regarding the proposed permitted change in traffic volume, as well as concerns about odor, dust and noise controls at the facility. The letter expressed concerns about the fire that occurred at the facility on May 15, 2013. Department staff spoke to Mr. Edelmayer on May 23, 2013 and addressed his concerns. Staff clarified that the proposed permit modification includes a change in the way traffic volume will be measured at the facility and does not include an increase in permitted vehicles as stated in Mr. Edelmayer's letter. Staff assured Mr. Edelmayer that the facility is inspected by the LEA on a monthly basis to ensure compliance with State Minimum Standards including odor, dust and noise levels. Staff also informed Mr. Edelmayer that while fires have occurred at solid waste facilities, based on an inspection of the facility and records reviewed by Department staff and the LEA on May 21, 2013, Sierra Waste Recycling and Transfer Station acted appropriately in response to the fire that occurred at the facility on May 15, 2013. The LEA sent a response letter to Mr. Edelmayer on May 28, 2013.

On May 20, Department staff received a phone call from Jerry Vorpahl, Executive Director of the Power Inn Alliance. Mr. Vorpahl stated that he would like to comment on the proposed permit action and that he would not be able to attend the CalRecycle Monthly meeting on May 21, 2013. Mr. Vorpahl told staff he intended to submit a written comment letter to CalRecycle. On May 28, 2013, Department staff received a letter via email from Mr. Vorpahl opposing the proposed permit modification. Mr. Vorpahl's letter requests that CalRecycle deny the proposed permit modification due to the proposed traffic changes which the Power Inn Alliance believes are not in compliance with CEQA and because of the hazards associated with the fire that occurred at the facility on May 15, 2013. On May 30, staff spoke to Mr. Vorpahl and addressed his concerns as stated in his letter. Staff followed up by e-mail, sending Mr. Vorpahl a link to the CalRecycle public notice webpage for the Sierra Waste Recycling and Transfer Station permit modification and associated documents for further information and staff's analysis of the permit action.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on April 16 and May 21, 2013. No public comments were shared at either of the two meetings.

